

Application No. 10/596,040
Amendment dated March 19, 2009
Reply to Office Action of October 1, 2008

Docket No.: 09657/0204349-US0

ELECTRONIC ACKNOWLEDGEMENT RECEIPT AND IMAGE FILE WRAPPER

Electronic Acknowledgement Receipt

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Application Number:	10596040
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Crotch-Possessing Corrective Garment
First Named Inventor/Applicant Name:	Makoto Oyama
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Filer Authorized By:	Marie Louise Collazo
Attorney Docket Number:	09657/0204349-USO
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Application Type:	U.S. National Stage under 35 USC 371

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment_As_Filed.PDF	254643 cd54883a5fb9e147781f2bf4c3947eaa124e b8f5	yes	20

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Miscellaneous Incoming Letter	1	1
	Amendment/Req. Reconsideration-After Non-Final Reject	2	2
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	Drawings-only black and white line drawings	4	4
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	Applicant Arguments/Remarks Made in an Amendment	9	13
	Drawings-only black and white line drawings	14	20

Warnings:

Information:

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New Applications Under 35 U.S.C. 111

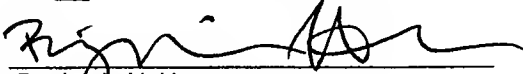
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

AMENDMENT TRANSMITTAL LETTER			Docket No. 09657/0204349-US0		
Application No. 10/596,040-Conf. #1026	Filing Date May 25, 2006	Examiner G. M. Hale	Art Unit 3765		
Applicant(s): Makoto Oyama et al.					
Invention: CROTCH-POSSESSING CORRECTIVE GARMENT					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	20	- 20 =	0	x 52.00	0.00
Independent Claims	2	- 3 =	0	x 220.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-0100</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 Benjamin Y. Han Attorney/Agent Reg. No.: 60,700			Dated: <u>December 30, 2008</u>		
DARBY & DARBY P.C. P.O. Box 770 Church Street Station New York, New York 10008-0770 (212) 527-7700					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Makoto Oyama et al.

Application No.: 10/596,040

Confirmation No.: 1026

Filed: May 25, 2006

Art Unit: 3765

For: CROTCH-POSSESSING CORRECTIVE
GARMENT

Examiner: G. M. Hale

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

INTRODUCTORY COMMENTS

In response to the Office Action dated October 1, 2008, please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 8 of this paper.

An **Appendix** including amended drawing figures is attached following page 11 of this paper.

AMENDMENT TO THE SPECIFICATION

Please amend the Specification as follows:

On page 12, after the description of Figure 14D, please insert the following:

Fig. 15A is a rear perspective view of a spat according to another embodiment of the present invention.

Fig. 15B is a rear perspective view of a leotard according to another embodiment of the present invention.

Fig. 15C is a rear perspective view of a tights according to another embodiment of the present invention.

Fig. 15D is a rear perspective view of a pantyhose according to another embodiment of the present invention.

Fig. 15E is a rear perspective view of a sports tight according to another embodiment of the present invention.

Fig. 15F is a rear perspective view of a bodysuit according to another embodiment of the present invention.

Fig. 15G is a rear perspective view of a bathing suit according to another embodiment of the present invention.

On page 20, lines 8-11:

The present invention is not limited to the embodiments described above, and various other modifications are possible. For example, the present invention may be applied to any one of a girdle, spats 50, a bathing suit 110, tights 70, a pantyhose 80, sports tights 90, a leotard 60, a body suit 100, men's pants and the like.

AMENDMENT TO THE DRAWINGS

The attached sheets of drawings include new Figures 15A-15G. No new matter has been added.

Attachment: Seven (7) new sheets, presenting new Figures 15A-15G.

AMENDMENTS TO THE CLAIMS

Claim 1 (Currently Amended): A crotch-possessing corrective garment, comprising:

an integrated tightening portion in an area which fits over a wearer's body, the tightening portion extending, when the garment is being worn, from a a ~~the~~ vicinity of an upper part of a a ~~the~~ buttocks cleft, passing ~~the~~ vicinities of upper parts of a a ~~the~~ right and left buttocks, to ~~the~~ vicinities of a a ~~the~~ right and left greater trochanters; and

a body front tightening portion made of material having a tightening force and extending, when the garment is being worn, from above a a ~~the~~ crotch at a a ~~the~~ front center toward above a a ~~the~~ right and left of the crotch.

Claim 2 (Previously Presented): The crotch-possessing corrective garment according to claim 1, wherein the magnitude of a tightening force of the tightening portion varies along the area.

Claim 3 (Currently Amended): A crotch-possessing corrective garment, comprising:

an integrated right tightening portion and an integrated left tightening portion in areas fitting over a wearer's body, each of the tightening portions extending, when the garment is being worn, from the vicinity of the right or left greater trochanter to the vicinity of an upper part of the right or left buttocks and toward the vicinity of an upper part of the buttocks cleft; and

a body front tightening portion made of material having a tightening force and extending, when the garment is being worn, from above the crotch at the front center toward above the right and left of the crotch.

Claim 4 (Previously Presented): The crotch-possessing corrective garment according to claim 2, wherein the tightening force of the tightening portion is strongest in the vicinity of the upper part of the buttocks cleft.

Claim 5 (Previously Presented): The crotch-possessing corrective garment according to claim 4, wherein the tightening force of the tightening portion gradually weakens in a direction passing the

vicinities of the upper parts of the right and left buttocks and extending toward the vicinities of the right and left greater trochanters.

Claim 6 (Previously Presented): The crotch-possessing corrective garment according to claim 1, further comprising thigh portions which fit over the wearer's thighs, wherein the tightening portion further extends from the vicinities of the greater trochanters along the outer borders of the thigh portions.

Claim 7 (Original): The crotch-possessing corrective garment according to claim 6, wherein the tightening portion further reaches ankles.

Claim 8 (Previously Presented): The crotch-possessing corrective garment according to claim 1, wherein the tightening portion has a shape which is curved upward in the vicinity of the upper parts of the buttocks when the garment is being worn.

Claim 9 (Previously Presented): The crotch-possessing corrective garment according to claim 1, wherein, when the garment is being worn, the tightening portion comprises:

an upper side tightening portion positioned on an upper side; and

a lower side tightening portion which is positioned on a lower side and has a strong tightening force.

Claim 10 (Previously Presented): The crotch-possessing corrective garment according to claim 1, wherein the tightening portion forms a belt shape.

Claim 11 (Previously Presented): The crotch-possessing corrective garment according to claim 1, wherein the tightening portion is formed through power change in a single piece of knitted fabric.

Claim 12 (Previously Presented): The crotch-possessing corrective garment according to claim 1, wherein the crotch-possessing corrective garment is any one of a girdle, spats, a bathing suit, tights, a pantyhose, sports tights, a leotard, a body suit, and men's pants.

Claim 13 (Previously Presented): The crotch-possessing corrective garment according to claim 3, wherein magnitudes of tightening forces of the tightening portions vary along the areas.

Claim 14 (Previously Presented): The crotch-possessing corrective garment according to claim 13, wherein the tightening forces of the tightening portions are strongest in the vicinity of the upper part of the buttocks cleft.

Claim 15 (Previously Presented): The crotch-possessing corrective garment according to claim 14, wherein the tightening forces of the tightening portions gradually weaken in directions passing the vicinities of the upper parts of the right and left buttocks and extending toward the vicinities of the right and left greater trochanters.

Claim 16 (Previously Presented): The crotch-possessing corrective garment according to claim 3, further comprising thigh portions which fit over the wearer's thighs, wherein the tightening portions further extend from the vicinities of the greater trochanters along the outer borders of the thigh portions.

Claim 17 (Previously Presented): The crotch-possessing corrective garment according to claim 16, wherein the tightening portions further reach ankles.

Claim 18 (Previously Presented): The crotch-possessing corrective garment according to claim 3, wherein, when the garment is being worn, each of the tightening portions comprises:
an upper side tightening portion positioned on an upper side; and

a lower side tightening portion which is positioned on a lower side and has a strong tightening force.

Claim 19 (Previously Presented): The crotch-possessing corrective garment according to claim 3, wherein the tightening portions are formed through power change in a single piece of knitted fabric.

Claim 20 (Previously Presented): The crotch-possessing corrective garment according to claim 3, wherein the crotch-possessing corrective garment is any one of a girdle, spats, a bathing suit, tights, a pantyhose, sports tights, a leotard, a body suit, and men's pants.

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Status of the Claims

The drawings were objected to
Claims 1-20 were rejected.
Claims 1 and 3 have been amended.
No new matter has been added.
Claims 1-20 are currently pending.

Examiner's Interview

Applicants' attorney, Benjamin Han, conducted a telephone interview with Examiner Hale on December 19, 2008. Applicants' attorney thanks Examiner Hale for the courtesies extended by the Examiner during this interview. During the interview, the submission of new drawings was discussed. Specifically, the submission of new drawings showing "spats, leotards, tights, pantyhose, sports tights, a body suit" to address the objections to the drawings were discussed. The Examiner indicated that new drawings showing these features would not be rejected on the basis of improperly introducing new matter since these features are described in the originally filed disclosure.

Objection to the Drawings

The drawings were objected to under 37 CFR 1.83(a) for failing to show each and every feature of the invention specified in the claims. Specifically, the Examiner indicates that that the recitation of a garment reaching "ankles" in claims 7 and 17, and the recitation of "spats, leotard, tights, pantyhose, sports tights, and a bodysuit" in claims 12 and 20 are not shown in the drawings. In response, Applicants have attached new drawing sheets introducing new Figures 15A-15G.

Further, the Specification has been amended to reflect the new Figures 15A-15G. No new matter has been added.

Withdrawal of the objection to the drawings under 37 CFR 1.83(a) is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,109,546 to Dicker ("Dicker").

Independent claim 1 has been amended to recite a crotch-possessing corrective garment including "an integrated tightening portion...extending...from a vicinity of an upper part of the buttocks cleft, passing vicinities of upper parts of the right and left buttocks, to vicinities of the right and left greater trochanters." It is respectfully submitted that Dicker does not suggest or disclose at least this feature of the presently claimed invention.

Dicker describes an exercise suit having a leg band 42. The leg band 42 is linearly attached to the pants and spirally encircles each pant leg 24. *See* Dicker, col. 4, lines 34-35. The Examiner asserts that the leg band 42 of Dicker is comparable to the integrated tightening portion of the presently claimed invention. Applicants respectfully disagree.

The tightening portion of the presently claimed invention is an integral portion of the garment that extends from the "buttocks cleft," to the "greater trochanters." This configuration is shown, for example, in Figures 9A and 9B, and described on p. 16-17, Paragraph [0064] of the Specification. In contrast, the leg band 42 of Dicker is a discrete band that is separate from the described exercise suit and is retained by loops 33. *See* Dicker, Figure 7; and col. 4, lines 49-53. In addition, the leg band 42 does not extend from a "buttocks cleft," but rather extends nearly vertically down the center of each buttock. *See* Dicker, Figure 5.

Further, Applicants submit that Dicker does not disclose "a body front tightening portion...extending...from above a crotch at a front center toward above a right and left of the crotch," as recited in independent claim 1. The reinforcing segment 38 of Dicker merely transmits the resistive force of the leg band 42, and is not a "tightening portion" as recited in claim 1. Further,

the Examiner does not even contend that Dicker discloses the body front tightening portion of the presently claimed invention. Thus, because Dicker does not disclose each and every element of independent claim 1, Dicker cannot anticipate claim 1.

Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

Claims 2 and 4-12 depend from claim 1. By virtue of their dependency and for at least the reasons described above, Dicker cannot anticipate claims 2 and 4-12. Accordingly, withdrawal of the rejection of claims 2 and 4-12 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

. Independent claim 3 has been amended to recite features similar to those described above with respect to claim 1. Thus, for at least the reasons described above, Dicker cannot anticipate claim 3. Withdrawal of the rejection of claim 3 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

Claims 13-20 depend from claim 3. By virtue of their dependency and for at least the reasons described above, Dicker cannot anticipate claims 13-20. Withdrawal of the rejection of claims 13-20 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

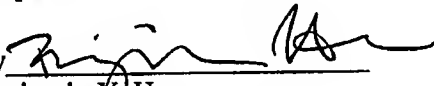
CONCLUSION

Each and every point raised in the Office Action dated October 1, 2008 has been addressed on the basis of the foregoing remarks. In view of the foregoing, it is believed that each of the pending claims is in condition for allowance, and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: December 30, 2008

Respectfully submitted,

By 
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Attachments

Application No. 10/596,040
Amendment dated December 30, 2008
Reply to Office Action of October 1, 2008

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NEW SHEETS

Fig. 15A

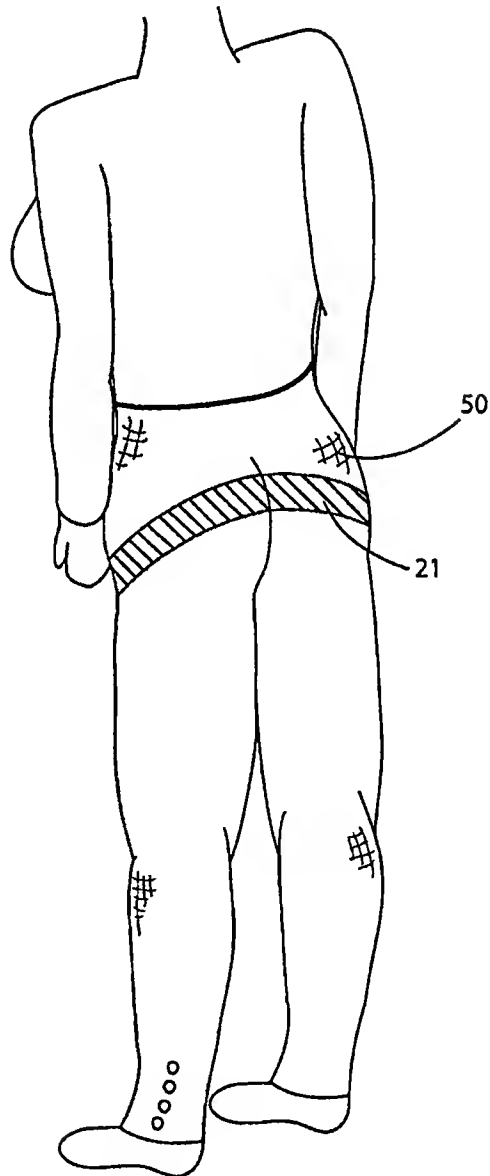


Fig. 15B

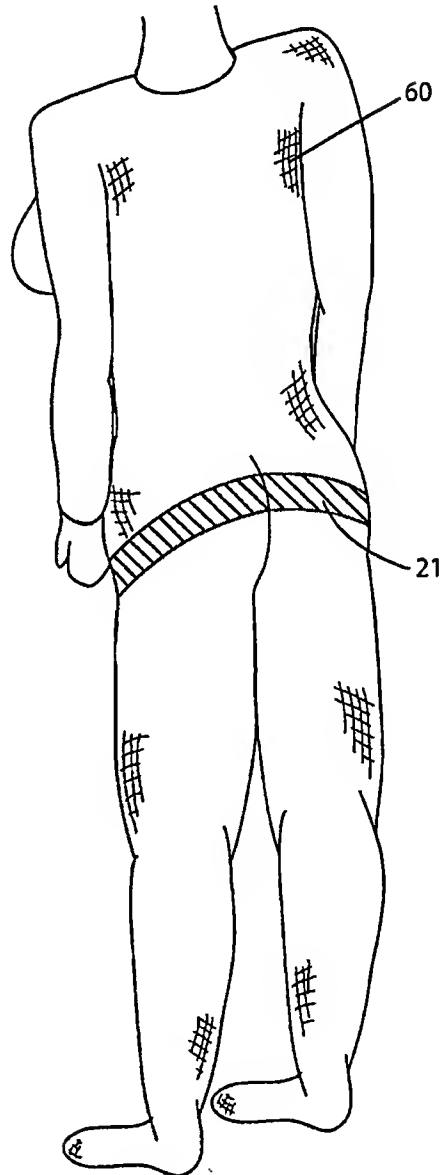


Fig. 15C

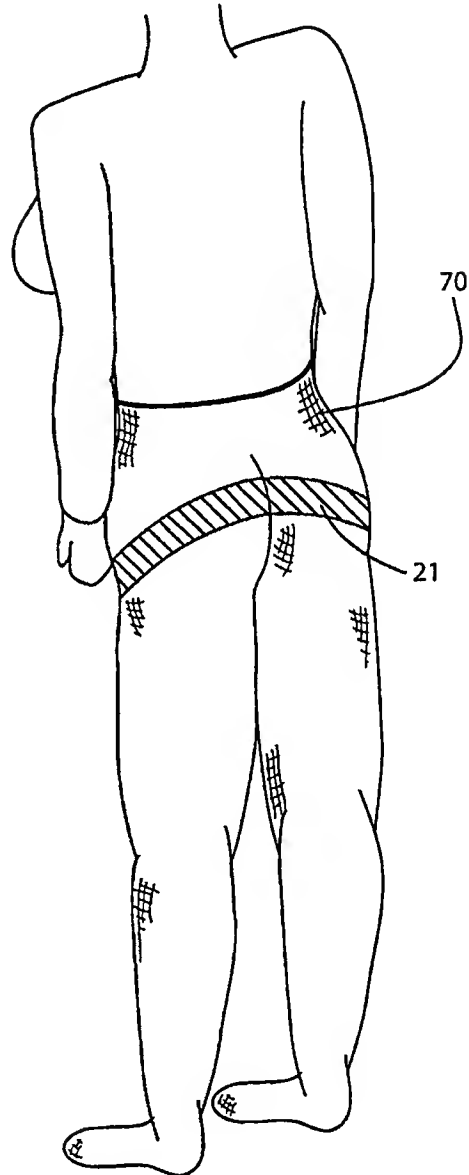


Fig. 15D

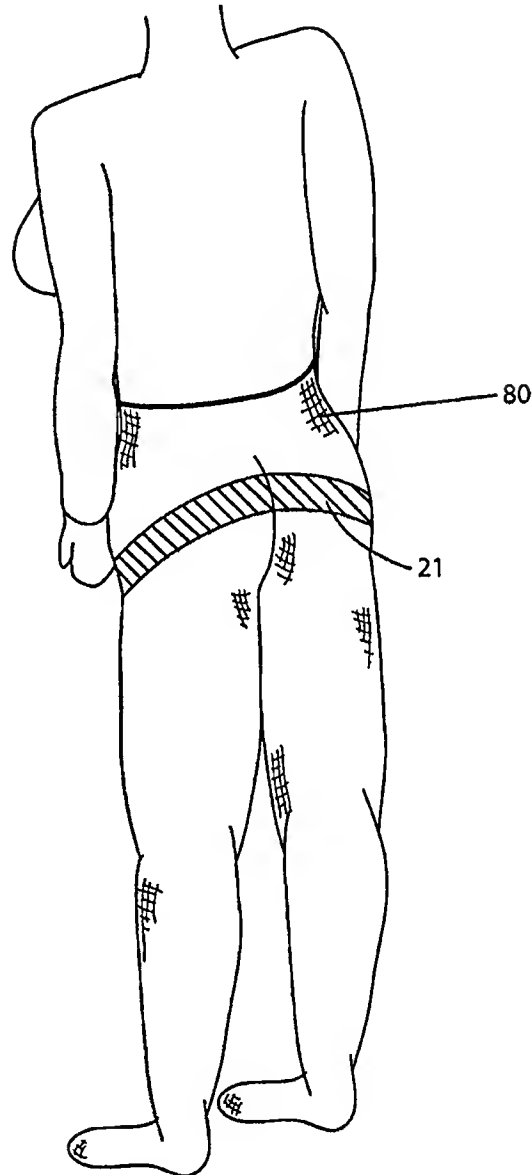


Fig. 15E

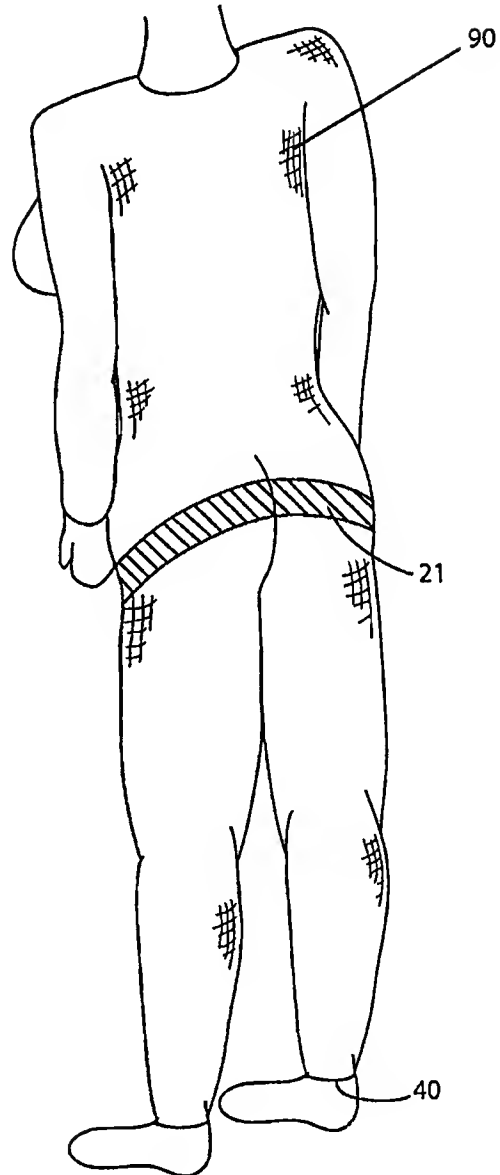


Fig. 15F

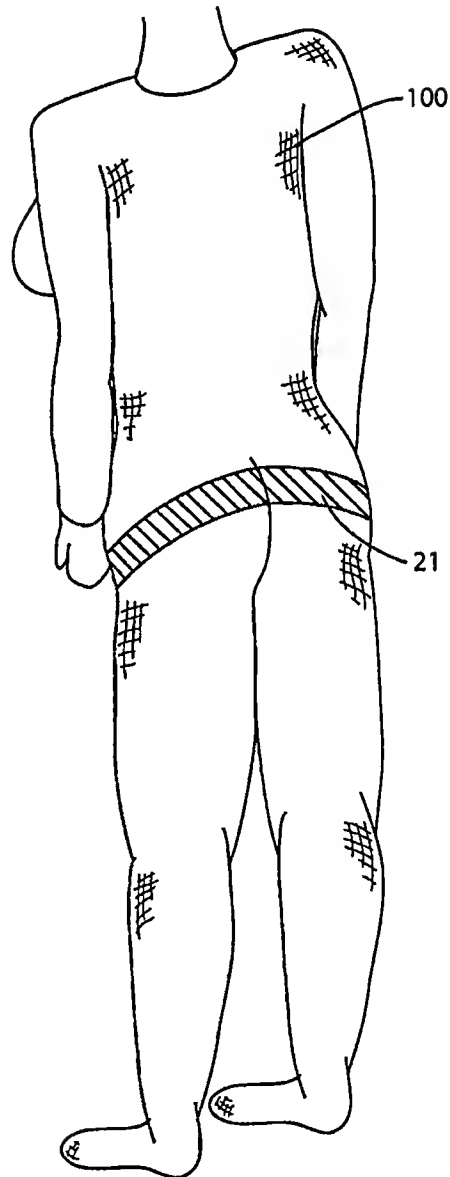


Fig. 15G

